

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	1771	Customer No.: 035811
Examiner	:	Jennifer A. Chriss	
Serial No.	:	10/522,519.	
Filed	:	February 28, 2005	
Inventors	:	Kyoko Yokoi Koji Watanabe Takafumi Hashimoto	Docket No.: TIP-05-1007 Confirmation No.: 1423
Title	:	ARTIFICIAL SUEDE-TYPE LEATHER AND PROCESS FOR PRODUCING THE SAME	

Dated: October 29, 2007

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants note with appreciation the withdrawal of the rejection based on Higuchi.

Claims 5 and 7 stand rejected under 35 U.S.C. §102 or alternatively over 35 U.S.C. §103 over Gandhi. The Applicants note with appreciation the Examiner's detailed comments hypothetically applying Gandhi against those two claims. The Applicants nonetheless respectfully submit that Gandhi fails to provide disclosure sufficient to anticipate or render Claims 5 and 7 obvious. Details are set forth below.

One important aspect of the rejection relies on Col. 2, Lines 4-18 of Gandhi wherein the rejection states:

In Example A, the impregnated non-woven material is subjected to a dyeing process which includes red, blue and yellow pigments. As a result, the polyurethane would be dyed with the above listed pigments as required by Applicant.

The Applicants respectfully submit that the Applicants' Claims 5 and 7 recite yellow pigment, red

pigment and blue pigment as noted in the rejection. However, the Applicants also respectfully submit that Gandhi does not disclose red, blue and yellow pigments as set forth in the rejection. In sharp contrast, Gandhi discloses dyes, not pigments. This is important.

This difference is recognized in the Applicants' Specification such as in the Background portion. In Paragraph [0010], for example, the Applicants recognized that dispersed dyes historically used for dyeing polyesters have a serious problem. That occurs because the dye holding power of dyed polyurethane is quite weak. Thus, the dye is likely to bleed out which seriously lowers the color fastness of the artificial leather product. The Applicants have a completely different solution as set forth in Claims 5 and 7. This is illustrated in the Applicants' examples which show that the first step is the preparation of a polyurethane solution which contains yellow pigment, red pigment and blue pigment. Then, the polyurethane solution is immersed into the fibers, i.e., fiber-entangled substrate and a napped sheet is prepared. After that portion of the process is complete, the napped sheet is dyed with a dispersed dye.

The next step subsequent to dyeing with the dispersed dye is a washing step. Thus, in this sequence of steps, the fibers are dyed with dye (not pigment), but the polyurethane is dyed only on its surface. On the other hand, the polyurethane also contains the yellow, red and blue pigment. When the remaining dye on the surface of the polyurethane is removed during the subsequent washing, the remaining dyes are only used for coloring the fibers, whereas the polyurethane remains dyed by the pigments. The result is that the polyurethane is not colored by the dyes, but is colored by the preliminary dispersion of the pigments in the polyurethane solution.

Ghandi takes a different approach as set forth in Col. 2 between lines 4 and 48. This includes a substrate of non-woven microfibers being impregnated with polyurethane. Then, the polyurethane impregnated substrate is subjected to a dyeing procedure with the various dispersed dyes as set forth

at Cols. 10-16. The substrate/polyurethane is agitated in the dye bath and then rinsed with water. After the dyeing process is complete, the dyed textile is subjected to a scouring process in an aqueous bath. The result is that the fibers in Gandhi are dyed, but the polyurethane is not colored because the dispersed dyes bleed out of the polyurethane which lowers the color fastness.

As a consequence, one skilled in the art can see that the subject matter of Claims 5 and 7 is not anticipated by Gandhi. This is made clear by the Applicants' use of pigments, while Gandhi employs dispersed dyes. Those skilled in the art are well aware of the differences between pigments and dispersed dyes.

Moreover, the Applicants respectfully submit that the subject matter of Claims 5 and 7 is anything but obvious over Gandhi inasmuch as Gandhi leads those skilled in the art away from the claimed subject matter and is merely representative of what is old in the art and well-known by the Applicants as set forth in the Background portion. The Applicants took a completely different approach and employed pigments to provide a product with excellent color fastness wherein the polyurethane portion of the product retains excellent coloring because the combination of yellow pigment, red pigment and blue pigment is retained within the polyurethane and provides for a rich and durable color.

This is sharply contrasted to Gandhi which does not introduce pigments into the polyurethane at all. Instead, Gandhi first impregnates the fibers with the polyurethane and then subjects the combined microfibers and polyurethane to a dyeing process with dispersed dyes. The Applicants respectfully submit that there are no teachings that would lead one skilled in the art to the subject matter of Claims 5 and 7. Withdrawal of the rejection is respectfully requested.

Claims 6 and 8 stand rejected under 35 U.S.C. §103 over the hypothetical combination of Pedain with Gandhi. The Applicants respectfully submit that hypothetically combining Pedain with

Gandhi does nothing to cure the deficiency set forth above with respect to Gandhi. Withdrawal of the rejection is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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